

ORDINANCE NUMBER 21-45

**AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON
TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AMENDMENT TO THE
UNIFIED DEVELOPMENT ORDINANCE**

“TowneRun PUD”

This is a Planned Unit Development District Ordinance, to be known as the TOWNERUN PLANNED UNIT DEVELOPMENT (the “**Ordinance**”), to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the “**UDO**”), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code§ 36-7-4 et seq., as amended.

WHEREAS, the City of Westfield, Indiana (the “**City**”) and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the “**Commission**”) considered a petition (Petition No. 2111-PUD-27), requesting an amendment to the Unified Development Ordinance and to the Zoning Map with regard to the subject real estate more particularly described in Exhibit A attached hereto (the “**Real Estate**”);

WHEREAS, the Commission forwarded Petition No. 2111-PUD-27 to the Common Council of the City of Westfield, Hamilton County, Indiana (the “**Council**”) with a favorable recommendation (Vote: X in favor, X opposed) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code§ 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Council on XXXX X, ~~2021~~2022;

WHEREAS, the Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Council, meeting in regular session, that the UDO and Zoning Map are hereby amended as follows:

Section 1. Applicability of Ordinance.

- 1.1 The UDO and Zoning Map are hereby changed to designate the Real Estate as a Planned Unit Development District to be known as the “TowneRun Planned Unit Development District” (the “**District**”).
- 1.2 Development of the Real Estate shall be governed by (i) the provisions of this Ordinance and its exhibits, and (ii) the provisions of the UDO, as amended and applicable to the Underlying Zoning District or a Planned Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by this Ordinance.
- 1.3 Chapter (“**Chapter**”) and Article (“**Article**”) cross-references of this Ordinance shall hereafter refer to the section as specified and referenced in the UDO.
- 1.4 All provisions and representations of the UDO that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of this Ordinance.

Section 2. Definitions. Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the UDO.

Section 3. Concept Plan. The concept plan, attached hereto as Exhibit B (the “**Concept Plan**”), is hereby incorporated in accordance with Article 10.9(F)(2) Planned Unit Development Districts; PUD District Ordinance Requirements; Concept Plan.

- 3.1 The District is hereby divided into ~~five-three~~ (53) areas, as depicted on the Concept Plan and labeled as “**Mixed Use Hub**,” “**Townhome Hub**,” “~~Lifestyle Amenities Hub~~,” “~~Single Family A~~” and “~~Single Family B~~Paired Villas Hub” (individually or collectively, the “**Area**” or “**Areas**”).
- 3.2 Development of each Area shall be regulated as set forth in this Ordinance.
- 3.3 The ~~boundaries~~ boundary of the ~~Areas~~ Mixed Use Hub shall be developed in substantial compliance with the Concept Plan. The final layouts and site plans within the ~~Areas~~ Mixed Use Hub shall be subject to the terms of this Ordinance and may vary from the depictions shown in the Concept Plan.
- 3.4 The Paired Villa Hub and the Townhome Hub shall be developed in substantial compliance with the Concept Plan.

Section 4. Underlying Zoning District(s). The Underlying Zoning District of the Townhome Hub and ~~the Lifestyle Amenities~~Paired Villas Hub shall be the SFA: Single-family Attached District, and the Mixed Use Hub shall be the LB: Local and Neighborhood Business District, ~~and the Single Family A and Single Family B Areas shall be SF4: Single Family High Density Distriet~~ (the “**Underlying Zoning Districts**”).

Section 5. Permitted Uses. The uses identified in this Section (the “**Permitted Uses**”), shall be the only uses permitted in the Areas.

5.1 The following uses shall be permitted in Mixed Use Hub:

- A. Bed and Breakfast (B&B)
- B. Childcare / daycare centers
- C. Health, fitness and exercise center
- D. Office, General Services
- E. Office, Medical
- F. Office, Professional
- G. Restaurant, Sit Down
- H. Restaurant, Specialty
- I. Restaurant, Takeout and Deli-style
- J. Retail, Low Intensity
- K. Retail, Medium Intensity
- L. Development Amenities

5.2 Townhome Hub: A maximum number of ~~130-60~~ Townhouse ~~Dwellings-Dwelling~~
~~Units~~ shall be permitted.

5.3 ~~Lifestyle Amenities Hub: Development Amenities.~~ Paired Villas Hub: A maximum
of 25 Duplex Dwellings (50 Dwelling Units) shall be permitted.

~~5.4 Single Family A: A maximum number of 26 Single Family Dwellings shall be
permitted.~~

~~5.5 Single Family B: A maximum number of 26 Single Family Dwellings shall be
permitted.~~

Section 6. General Regulations. The standards of Chapter 4 Zoning Districts, as applicable to the respective Underlying Zoning Districts, shall apply to the development of the Real Estate, except as otherwise modified below.

6.1 Mixed Use Hub Development Standards: The following development standards shall be applicable to any Building within the Mixed Use Hub:

- A. Article 4.14(E) shall not apply. There shall be no zoning setback requirements within the Mixed Use Hub Area.
- B. Article 4.14(F) shall not apply. Instead the following Maximum Building Height standards shall apply: Two (2) Stories.

6.2 Townhome Hub Development Standards: The following development standards shall be applicable to any Building constructed within the Townhome Hub Area:

Minimum Lot Area	No Minimum
Minimum Lot Frontage	No Minimum
Minimum Building Setback*	
Front Yard	0'
Side Yard	0'
Rear Yard	0'
Minimum Distance Between Buildings	<u>15'20'</u>
Maximum Lot Coverage	No Maximum
Minimum Lot Width	No Minimum
Maximum Dwelling Units Per Building	<u>65</u>
Maximum Building Height	3 Stories
Minimum Living Area (Total) Per Dwelling Unit	1,500 SF

*Each Townhouse Dwelling shall provide a driveway with a minimum length of ~~ten~~ twenty (4020) feet as measured between the garage door and : (i) the Street right-of-way line, if the driveway is accessed from a Street; or (ii) the edge of pavement, if the driveway is accessed from an Alley. A minimum of sixteen (16) additional visitor parking spaced shall be provided in addition to the two (2) off-street spaces being provided in each driveway. Article 4.9(H)(2) Building Staggering Requirement shall not apply. Article 4.9(J) Project Perimeter Setback shall not apply.

~~6.4 Lifestyle Amenities Hub Development Standards: The following development standards shall be applicable to any Building within the Lifestyle Amenities Hub.~~

~~A. Article 4.9(H) shall not apply. Instead, the following minimum setbacks shall apply: There shall be no other zoning setback requirements within the Lifestyle Amenities Hub Area.~~

~~B. Buildings within the Lifestyle Amenities Hub shall be limited to gazebos, picnic shelters and other similar amenity structures.~~

6.53 Single Family A Paired Villas Hub Development Standards: The following development standards shall be applicable to any Duplex Dwelling constructed within the Single Family A Area Paired Villas Hub Area:

Minimum Lot Area <u>(per Duplex Dwelling Building)</u>	4,000 <u>10,000</u> SF
Minimum Lot Frontage <u>(per Duplex Dwelling Building)</u>	<u>32'50'</u>
Minimum Building Setback Lines	
Front Yard	<u>10'20'</u>
Side Yard	<u>5'7.5'</u>
Rear Yard*	<u>10'15'</u>
<u>Minimum Building Separation</u>	<u>15'</u>
Minimum Lot Width <u>(per Duplex Dwelling Building)</u>	<u>32'85'</u>

Maximum Building Height	<u>2</u> <u>StoriesStory,</u> <u>and one-half</u>
Minimum Living Area (Ground Floor) <u>per</u> <u>Dwelling Unit</u>	<u>750-1400</u> SF

* ~~Each Dwelling shall provide an Alley load garage with a minimum of ten (10) feet as measured between the garage door and the edge of the Alley pavement. No Duplex Dwelling shall be constructed within 105' of the west property line of the District. Article 4.9(H)(2) Building Staggering Requirement shall not apply.~~

~~6.6 — Single Family B Development Standards: The following development standards shall be applicable to any Dwelling constructed within the Single Family B Area:~~

—Minimum Lot Area	5,500 SF
—Minimum Lot Frontage	40'
—Minimum Building Setback Lines	
——Front Yard	10'
——Side Yard	5'
——Rear Yard*	15'
—Minimum Lot Width	52'
—Maximum Building Height	2 Stories
—Minimum Living Area (Ground Floor)	750 SF

~~*No Dwelling shall be constructed within 105' for the west property line of the District.~~

Section 7. Overlay District. The Architectural Design Requirements of the State Highway 32 Overlay Zone, Article 5.3(K) of the UDO (the “**Overlay Architectural Standards**”), shall apply to the Mixed Use Hub. References of the Overlay Architectural Standards to the State Highway 32 Right-of-way line shall apply to the 146th Street and Towne Road Rights-of-way lines.

Section 8. Development Standards. The standards of Chapter 6 Development Standards of the UDO shall apply to the development of the Real Estate, except as otherwise modified below.

8.1 Article 6.1 Accessory Buildings: Shall apply; however, Article 6.1(H)(2) Screening of Receptacles and Loading Areas shall be modified to permit enclosures to be located within an Established Front Yard along a Street other than 146th Street and Towne Road.

8.2 Article 6.3 Architectural Standards:

A. Mixed Use Hub. Article 6.3 Architectural Standards shall not apply to the Mixed Use Hub. Instead, the Overlay Architectural Standards (incorporated in Section 7 of this Ordinance) shall be supplemented by the images attached hereto as Exhibit C, which are intended to conceptually illustrate the anticipated character and quality of the Buildings to be constructed within Mixed use Hub. References of the Overlay Architectural Standards to the State Highway 32 right-of-way line shall apply to the 146th Street and Towne Road right-of-way lines.

B. Townhome Hub, Single Family A and Single Family B Areas and Paired Villas Hub. Article 6.3 Architectural Standards shall not apply, ~~except as~~

~~modified below. The~~ Instead, the following architectural standards shall apply in the Townhome Hub, ~~Single Family A and Single Family B~~ and Paired Villas Hub Areas:

1. Elevations and Architectural Requirements:

i. Townhome Hub.

1. The Townhouse Dwellings shall be constructed in substantial compliance with Exhibit D (the “**Townhome Elevations**”). ~~To the extent the applicable architectural standards of the UDO conflict with the Townhome Elevations, the Townhome Elevations shall prevail.~~
- ~~2. Siding shall be Fiber Cement Siding, Wood or similar product.~~
2. Building Materials: The Townhouse Dwellings shall be comprised of any mix, proportion and combination of the following exterior building materials: brick, cast stone, stone, cultured stone, cement fiberboard, or engineered wood siding (e.g., LP SmartSide).
3. Masonry shall be provided on the first floor of the front façade of each Building. Side and rear façades shall include at least a 24” masonry wainscot.
4. Wood or vinyl soffits shall be permitted.
5. Vinyl windows shall be permitted.
- ~~3.6. Vinyl and aluminum siding shall not be permitted~~ Masonry shall be constructed as shown on the Townhome Elevations.
- ~~4.7.~~ A minimum of 6:12 roof pitch shall be provided on main roof; other roof areas other than the main roof may be less than 6:12 as shown on the Townhome Elevations.
- ~~5.8.~~ All windows not surrounded by masonry shall have a 1” x 4” trim board around all 4 sides of the window.

ii. Single Family A Paired Villas Hub.

1. The ~~Single Family A Dwellings~~ Dwellings in the Paired Villas Hub Area shall be constructed in substantial compliance with Exhibit E (the “**Single Family A Paired Villa Elevations**”). ~~To the extent the applicable architectural standards of the UDO conflict with the Single Family A Elevations, the Single Family A Elevations shall prevail.~~
2. The Dwellings shall be configured for one-story living with optional upstairs loft area no larger than 50% of the main floor ~~Siding shall be Fiber Cement Siding, Wood or similar product.~~
3. Building Materials: The exterior building materials of the Dwellings shall be comprised of any mix, proportion and

combination of the following materials: brick, cast stone, stone, cultured stone, cement fiberboard, engineered wood siding (e.g., LP SmartSide).

4. Front façades shall include at least an 18" masonry wainscot.

5. Wood or vinyl soffits shall be permitted.

6. Vinyl windows shall be permitted.

~~3.7. Vinyl and aluminum siding shall not be permitted. Masonry shall be constructed as shown on the Single Family A Elevations.~~

~~4.8. A minimum of 6:12 roof pitch shall be provided on main roof; other roof areas other than the main roof may be less than 6:12 as shown on the Single Family A Paired Villa Elevations.~~

9. All windows not surrounded by masonry shall have a 1" x 4" trim board around all 4 sides of the window.

~~5.10. Each Dwelling Unit shall include at least seventy (70) square feet of rear covered patio area.~~

iii. ~~Single Family B.~~

~~1. The Single Family A Dwellings shall be constructed in substantial compliance with Exhibit F (the "Single Family B Elevations"). To the extent the applicable architectural standards of the UDO conflict with the Single Family B Elevations, the Single Family B Elevations shall prevail.~~

~~2. Siding shall be Fiber Cement Siding, Wood or similar product.~~

~~3. Masonry shall be constructed as shown on the Single Family B Elevations.~~

~~4. A minimum of 6:12 roof pitch shall be provided on main roof; other roof areas other than the main roof may be less than 6:12 as shown on the Single Family B Elevations.~~

~~5. All windows not surrounded by masonry shall have a 1" x 4" trim board around all 4 sides of the window.~~

~~2. Building Materials Prohibited: Vinyl and aluminum siding shall be prohibited.~~

~~3. Garages: All Dwellings shall have a minimum two (2) car attached garage. The garages in Single Family A shall be Alley load garages. The front façade of all garages in the Single Family B Area shall be setback a minimum distance of 15' behind the front elevation of the Dwelling on each Lot.~~

~~C. Lifestyle and Amenities Hub. Article 6.3 Architectural Standards shall not apply to the Lifestyle and Amenities Hub Area.~~

8.3 Article 6.8 Landscaping Standards: Shall apply, except as otherwise modified or enhanced below:

A. Street Trees: Article 6.8(J) Street Trees shall ~~not only~~ apply within the Townhome Hub and Paired Villas Hub Areas, as modified below:

1. Street Trees shall not be required along Alleys.

1. Street trees shall be permitted to be located outside the public Right-of-way, but within ten (10) feet of the Right-of-way.

2.

A.B. External Street Frontage: Article 6.8(M) External Street Frontage Landscaping Requirements shall not apply. The Paired Villas Hub shall include the following External Street Frontage landscaping: (i.) landscaping area with a minimum depth of thirty (30) feet along 146th Street frontage road; (ii) the landscaping area shall include a minimum of four (4) evergreen trees, three (3) shade trees, three (3) ornamental trees and twenty-five (25) shrubs per one hundred (100) lineal feet; and (iii) a minimum three-foot (3') tall undulating mound unless there are drainage or utility conflicts that would prohibit such mounding.

B.C. Buffer Yard Landscaping. Article 6.8(N) Buffer Yard Requirements shall not apply. Instead, Buffer Yard landscaping along the west and north boundaries of the District abutting the existing AG-SF1 zoning district shall be provided in substantial compliance with Exhibit GF.

C.D. Tree Preservation. Any trees within ten (10) feet of the west and north boundary of the District, that are in good health and not otherwise required to be removed for environmental reasons, shall be preserved in accordance with Article 6.8, Landscaping Standards of the UDO. Existing trees in this area shall not be disturbed by the Developer unless required by the City, or for drainage/utility installation.

D.E. Lot Landscaping: Article 6.8(K) Minimum Lot Landscaping Requirements shall not apply. Instead the following standards shall apply:

1. At a minimum, all Established Front Yards shall be sodded and the remainder of the Lot shall be seeded.
2. Townhouse Dwelling Buildings shall be landscaped in compliance with Exhibit H-G of this Ordinance (including at least 4 shrubs and 1 shade, evergreen or ornamental tree per Dwelling Unit). Each Townhouse Dwelling on a Corner Lot shall have one (1) additional Shade Tree in the Front Yard adjacent to the side elevation of the Dwelling.-
3. ~~Dwellings-Buildings~~ in the ~~Single-Family~~ Paired Villas Hub Area shall be landscaped in compliance with Exhibit I-H of this Ordinance (including at least

8 shrubs and 1 shade, evergreen or ornamental tree per Dwelling Unit). Each ~~Dwelling Building~~ on a Corner Lot shall have one (1) additional Shade Tree in the Front Yard adjacent to the side elevation of the ~~Dwelling Building~~.

~~4. Dwellings in the Single Family B Area shall be landscaped in compliance with Exhibit J of this Ordinance. Each Dwelling on a Corner Lot shall have one (1) additional Shade Tree in the Front Yard adjacent to the side elevation of the Dwelling.~~

8.4 Sign Standards.

- A. One (1) Nonresidential Center Monument Sign, in compliance with the standards set for in Article 6.17(J)(2)(a)(ii), shall be permitted within the Mixed Use Hub Area.
- B. One (1) Residential Monument Sign, in compliance with Article 6.17(G)(1), shall be permitted at the entrance of the Townhome Hub Area.
- C. One (1) Residential Monument Sign, in compliance with Article 6.17(G)(1), shall be permitted at the entrance ~~between the Single Family B and Lifestyle and Amenities Hub Areas~~ of the Paired Villas Hub Area.
- D. Wall Signs shall be permitted in accordance with Article 6.17(J)(5) of the UDO for Buildings in the Mixed Use Hub. For purposes of this Section, a Front Façade may be either a Building Façade possessing the primary entrance of a Building or a Building Façade facing an External Street (or frontage road thereto).

8.5 Parking and Loading Standards.

- A. Article 6.14(G)(5) is hereby modified to permit up to 20% of all parking spaces required in the District to be a minimum of 8' wide and 18' deep to accommodate compact cars.
- B. Parking Space requirements shall be determined by the Director based upon data supplied by the Applicant in response to traffic and parking data requested to be furnished with the application for a Detailed Development Plan.

Section 9. Open Space and Amenity Standards. ~~Article 8.6 shall not apply. Instead, the amenities and open space shall be provided in substantial compliance with Exhibit I of this Ordinance (the "Amenity Plan"). The amenities shall include the following: passive recreation open space; two seating areas at locations indicated on the Concept Plan (including a shelter, gazebo or trellis structure), bocce ball court, pickleball court and dog park.~~

~~A. The Lifestyle and Amenities Hub and improvements contained therein shall be creditable toward the requirements of Article 8.6 of the UDO for the District. No additional Open Space or Amenities shall be required.~~

~~B. Article 8.6(H), Multi-Family Amenity Standards, shall not apply. Instead, the Lifestyle and Amenities Hub and the “Common Space Amenity” areas identified in the Concept Plan (one located within the Lifestyle and Amenities Hub Area and one located in the Townhome Hub Area) (collectively, the “TowneRun Amenities”) shall be provided in substantial compliance with the Concept Plan. The TowneRun Amenities shall include at least the following: passive recreation open space; 2 seating areas at locations indicated on the Concept Plan, including benches or swings, sidewalk pathways, and a shelter (Gazebo or Trellis).~~

Section 10. Infrastructure Standards. The District's infrastructure shall comply with the UDO and the City's Construction Standards (see Chapter 7 Subdivision Regulations) unless otherwise approved by the Department of Public Works.

Section 11. Duration. Failure to obtain a Secondary Plat / Construction Plan approval in the District by January 1, 2027 (unless otherwise extended by the Director) shall automatically void this Ordinance and cause the zoning classification of the Real Estate to revert to the AG-SF1 District.

Section 12. Severability. If any term or provision of this ordinance is held to be illegal or unenforceable, the validity or enforceability of the remainder of this ordinance will not be affected.

ALL OF WHICH IS ORDAINED/RESOLVED THIS XX DAY OF XXXX, ~~2021~~2022.

WESTFIELD CITY COUNCIL

Voting For

Voting Against

Abstain

James Edwards

James Edwards

James Edwards

Scott Frei

Scott Frei

Scott Frei

Jake Gilbert

Jake Gilbert

Jake Gilbert

Mike Johns

Mike Johns

Mike Johns

Troy Patton

Troy Patton

Troy Patton

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Scott Willis

Scott Willis

Scott Willis

ATTEST:

Cindy Gossard, Clerk Treasurer

I hereby certify that **ORDINANCE ~~XX-XX~~21-45** was delivered to the Mayor of Westfield on the XX day of XXXX, ~~2021~~2022, at _____ m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 21-~~XX~~45**

this _____ day of XXXX, ~~2021~~2022.

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 21-~~XX~~45**

this _____ day of XXXX, ~~2021~~2022.

J. Andrew Cook, Mayor

This document prepared by: Matthew S. Skelton, Church Church Hittle + Antrim, Two North Ninth Street, Noblesville, Indiana 46074, (317) 773-2190.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Matthew S. Skelton.